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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,941	09/21/2000	Sung Bae Jun	P-124	8915

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EXAMINER

HOYE, MICHAEL W

ART UNIT PAPER NUMBER

2623

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/665,941	Applicant(s) JUN ET AL.	
	Examiner Michael W. Hoye	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/19/06 has been entered.

Response to Arguments

2. Applicants' arguments, filed on January 19, 2006, with respect to amended claims 40-53, as related to the Graves (USPN 5,410,344) reference have been fully considered but they are not persuasive.

Regarding amended independent claim 40, as well as amended independent claim 47, and amended claims 41-46 and 48-53, which depend from claims 40 and 47, respectively, the Applicants argue on pages 6-7 of the Remarks section that, "Graves...nowhere discloses that the Overall Feature Rating is a parent preference object in a hierarchical data structure. ... Thus, Graves fails to disclose a hierarchical data structure that includes two or more parent preference objects, as required by the claim. Lacking the claimed hierarchical data structure, Graves cannot disclose generating a user profile that includes the hierarchical data structure and specifies the respective preference value for each of the two or more parent preference objects."

In response the Examiner respectfully disagrees with the Applicants because the “Overall Feature Rating” as disclosed in Fig. 5 of the Graves patent is a parent preference object in a hierarchical data structure, since it is a single preference value (or parent preference object) characterizing user preference for the combination of the multiple description elements or child preference objects associated with a first preference object (or parent preference object) in a hierarchy, where the “Overall Feature” is a parent preference object in a hierarchy of preference objects, and where the “Overall Feature” has a respective preference value or “rating” that characterizes user preference for the combination of each child preference object representing content description elements or “feature selections” that are associated with the parent preference object or “Overall Feature” in a hierarchy as shown in Fig. 5. In addition to, as shown in Fig. 6, the “Overall Feature” as described above, may be represented by a program name such as “Jurassic Park”, where Figure 6 further discloses the claimed “...including two or more parent preference objects” as met by each of the features listed and the claimed “assigning a respective preference value to each of the two or more parent preference objects to characterize user preference for the combination of the content description elements...” is met by the preference values shown to the right of each feature in Fig. 6.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Korea on 9/22/99. It is noted, however, that applicant has not filed a certified copy of the 41192/1999 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 40-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Graves et al. (USPN 5,410,344), previously cited by the Examiner.

As to claim 40, note the Graves et al. patent which discloses a computer-implemented method for describing user preferences. The claimed providing a hierarchical data structure for describing user preferences related to multimedia content is met by the feature selections as shown in Figures 5 and 6, which describe user “preferences” or “ratings” related to multimedia content. The claimed hierarchical data structure including two or more parent preference objects is met by each of the features listed in the left column in Fig. 6, as well as the “overall feature” selection in Fig. 5, which may represent one of the features listed in Fig. 6. The claimed wherein each of the two or more parent preference objects is a container for a corresponding plurality of child preference objects in the hierarchical data structure is met by a parent object such as “Overall Feature” as shown in Fig. 5, which may be represented by a program name such as “Jurassic Park”, as shown in Fig. 6, where “two or more parent preference objects” are met by each of the features listed, as previously described above. The “Overall Feature” selection, is a “parent preference object” in the “hierarchical data structure” since it characterizes a user preference for the combination of each child preference object representing content description elements or “feature selections” that are associated with the parent preference object or “Overall

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Feature” in a hierarchy as shown in Fig. 5. The claimed each child preference object representing at least one content description element describing multimedia content is met by the plurality of feature content description elements describing multimedia content, such as “dialog”, “music”, “suspense level”, “violence level”, “romance level”, etc. as shown in Fig. 5 (also see col. 6, line 53 – col. 7, line 4). The claimed assigning a respective preference value to each of the two or more parent preference objects to characterize user preference for the combination of the content description elements represented by the corresponding plurality of child preference objects is met by the user setting a “rating” level or grade for the “Overall Feature” which is a combination of the plurality of description elements or features associated with the “Overall Feature” as described above, as well as the user setting a preference level or grade for the plurality of features or parent preference objects in Fig. 6 as described above. The claimed generating a user profile that includes the hierarchical data structure, and specifies the respective preference value for each of the two or more parent preference objects is met by the user completing the viewer preference data through the feature selections and ratings as shown in Figures 5 and 6 and as described above (see col. 6, line 53 – col. 8, line 4).

As to claim 41, the claimed assigning a first preference value to the first child preference object to characterize user preference for the first content description element alone is met by Fig. 5, where a rating or “first preference value” is set for a first chilled preference object or feature selection, such as “story appeal”, which characterizes user preference for the first content description element.

As to claim 42, the claimed wherein generating the user profile includes specifying the first preference value for the first child preference object is met by setting a “rating” or “grade” as shown in Fig. 5 and as previously described above.

As to claim 43, the claimed wherein generating the user profile includes designating the hierarchical data structure to be used in searching or filtering multimedia content is met by gathering viewer preference data as shown in Figs. 5 and 6 and as described above (see col. 6, line 53 – col. 8, line 4).

As to claim 44, the claimed wherein one or more of the content description elements identify a genre, a director or an actor is met by the Feature selections shown in Fig. 5, which include one or more description elements identifying a genre (i.e. “music” in Fig. 5, also see col. 4, line 64 – col. 5, line 5), a director (see col. 5, lines 21-22 and col. 7, lines 21-26), or an actor (i.e. “Actor #1” or “Actor #5”, also see col. 5, lines 6-9 and col. 7, lines 21-26).

As to claim 45, the claimed assigning a respective preference value to each of the two or more parent preference objects includes assigning the respective preference value based on a user’s access pattern to multimedia content is met by “grade” or “preference” levels may be set based on whether the user has accessed or viewed a feature or program (see Fig. 6).

As to claim 46, the claimed assigning a respective preference value to each of the two or more parent preference objects includes assigning the respective preference value based on user input is met by the user selecting the “Overall Feature” rating or grade as described above in claim 1, as well as by the user selecting the “Feature” preference or grade as shown in Fig. 6, which lists each parent preference object as described above.

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As to claims 47-53, the claims are rejected based on the rejection of claims 40-46, respectively, and the claimed software product...for describing user preferences... is met by col. 4, lines 6-64 and col. 7, line 60 – col. 8, line 37+).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is **571-272-7346**. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at **571-272-7353**.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:

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Or faxed to: 571-273-8300

Hand-delivered responses should be brought to the Customer Service Window at the address listed above.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **571-272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Michael W. Hoye
March 31, 2006



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600